

John M. August, Esq.
jaugust@saiber.com
SAIBER LLC
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932
Tel: (973) 622-8401

-and-

Joseph D. Satterley, Esq.
jsatterley@kazanlaw.com
KAZAN, McCLAIN, SATTERLEY & GREENWOOD
A Professional Law Corporation
Jack London Market
55 Harrison Street, Suite 400
Oakland, CA 94607
Tel: (510) 302-1000

Counsel for Movant Anthony Hernandez Valadez

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:	:	Chapter 11
	:	
LTL MANAGEMENT LLC,	:	Case No. 23-12825
	:	
Debtor.	:	
	:	

APPLICATION FOR ORDER SHORTENING TIME

The applicants, John M. August and Joseph D. Satterley, on behalf of personal-injury claimant Anthony Hernandez Valadez (“Claimant”), request that the time to file and hear their motion for the entry of an order pursuant to Section 362(d)(1) of the Bankruptcy Code, waiving the stay of Fed. R. Bankr. P. 4001(a)(3), granting Claimant relief from the automatic stay and the Amended Ex Parte Temporary Restraining Order (“Motion to Lift Stay”), filed on April 10,

2023, be shortened under Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure, for the reason(s) set forth below:

1. A shortened time hearing is requested because: Claimant, who is 24 years old and dying from pericardial mesothelioma, needs leave of this Court to allow his case to immediately proceed to trial in the Superior Court of California, County of Alameda ("State Court").

On February 14, 2023, this Court granted Claimant complete relief from the automatic stay and Preliminary Injunction in *In Re: LTL Management LLC*, U.S. Bankruptcy Court, District of New Jersey, Case No. 21-30589 (MBK) ("LTL I") in light of the Third Circuit's opinion in *In Re: LTL Management, LLC* __ F.4th __, 2023 WL 2760479 (Mar. 31, 2023). The State Court trial was set for April 17, 2023, and the parties were on track to complete fact and expert discovery by the trial date. However, on April 4, 2023, less than two hours after this Court dismissed *LTL I*, Debtor LTL Management LLC ("Debtor") filed another Chapter 11 voluntary petition. [Dkt. 1.] The following day, this Court issued an Ex Parte Temporary Restraining Order ("TRO") that prohibited and enjoined Claimant's State Court action to proceed further. [Adv. Dkts. 9 and 15.] As a result of Debtor's bankruptcy filing and the TRO, Claimant cannot proceed to trial against Debtor, as well as Johnson & Johnson and the six retailer defendants named in the State Court action (the "Protected Parties"). This matter is exigent because of the April 17, 2023 trial date and the Claimant's declining health. Indeed, delays that preclude Claimant from prosecuting his personal-injury action create irreparable injury because of the risk of death.

See, e.g., Looney v. Superior Court, 16 Cal.App.4th 521, 532, fn. 12 (Cal. App. 2d Dist. 1993) (recognizing that Cal. Code Civ. Proc. § 36 was enacted to ensure an early trial date for persons who might die or become incapacitated before their cases come to trial). Further, counsel for

Debtor and the Protected Parties were put on notice during the Case Management Conference held in State Court on April 6, 2023, that Claimant intends to bring a Motion to Lift Stay.

2. State the hearing dates requested:

Claimant requests that his Motion to Lift Stay be heard on April 11, 2023, at 10:00 a.m.

3. Reduction of the time period is not prohibited under Fed. R. Bankr. P 9006(c)(1).

The applicant requests entry of the proposed order shortening time.

By: /s/ John M. August
JOHN M. AUGUST

DATED: April 10, 2023